IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14720 of 2005

Between:

Smt. Seetipalli Durga Kumari, W/o. Jagadeesh Kumar,
Bhyravapatnam, Mandavaili Mandal, Krishna District.

..... PETITIONER

A N D

1 The District Collector, Machilipatnam, Krishna District.
2 The R.D.O. Gudiwada, Krishna District.
3 The Mandal Revenue Officer, Mandavalli, Mandavalli Mandal,

Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or more particularly in the nature of the writ of Mandamus declaring the in action of the Respondents in not granting declaration certificate that the land of Ac. 2.12 cents in R.S.No. 5/1B1 to 5/1B9, 5/2A5, 5/2A6 and 5/2B3 and Ac.1.15 cents in R.S.No. 5/1B1, 5/1B2, 5/2B2, 5/2B4, 5/2A7 and 5/1B11 (Total extent Ac. 3.27 cents) situated at Prathipadu Village, Mandavalli Mandal, Krishna District are not Assigned/Govt. lands as per the declaration certificate dt. 2-6-1995 issued by the 3rd Respondent as illegal, arbitrary and violation of provisions of constitution of India and further direct the respondents to issue the same by considering Representation dt. 12-4-2004 forthwith and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise, we will be put to irreparable loss, great hardship, heavy injury and unsustainable damage.

Counsel for the Petitioner: MR.T.V.V.KOTESWARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following at the admission stage : (order follows 2nd page)

O R D E R

This writ petition is filed to declare the action of the respondents in not granting declaration certificate that the land in an extent of Acs:2-12 cents in RS.Nos. 5/1B1 to 5/1B9, 5/2A5, 5/2A6 and 5/2B3, 5/2A7 and 5/1B11 (total extent of Acs:3-27 cents) situate at Prathipadu village of Mandavalli Mandal, Krishna district are not assigned/Govt lands as per the declaration certificate dated 02-6-1995 issued by the third respondent as illegal, arbitrary and violation of provisions of constitution of India and further direct the respondents to issue the same by considering representation dated 12-4-2004 forthwith.

The case of the petitioner is that she purchased an extent of Acs:3-27 cents under registered sale deed dated 03-4-2001 from Peyyala Adamu son of Koteswararao, resident of Bhyravapatnam, Mandavalli Mandal, Krishna district and she is cultivating the lands through her husband since 03-4-2001 and tax is being paid to the respondents and the respondents thereupon issued pattedar passbook with patta No.176 (F) 550114 declaring that she is the absolute owner of Acs:3-27 cents.

It is submitted that the third respondent issued certificate on 02-6-1995 declaring that

Acs4-31 cents in sy.nos. 5/1B1 to 1B11, 5/2A2 to A7 and 5/2B1 to B6 are not Government lands and assigned lands and the above lands are patta lands. On the basis of the above certificate, the vendor of the petitioner purchased the same and thereafter, the petitioner purchased Acs:3-27 cents of land on 3-4-2001 under registered sale deed. After granting declaration certificate by the third respondent, several sale transactions were done on the said lands. Further she purchased the schedule lands on sale consideration of Rs.2,45,300/- from her vendor. It is submitted that the petitioner got two registered sale deeds; namely Acs:2-12 cents and another Ac:1-15 cents on 3-4-2001 and those sale deeds filed as material paper for kind consideration of the court.

Since the date of purchase, the petitioner is in possession and enjoyment over the same by paying all types of taxes to the respondent and that the third respondent issued certificate in the year 1995 stating that those schedule lands Acs:3-27 cents are not assigned lands. Further the third respondent issued proceedings RC.A2/152/05, dated 20-5-2005 to show cause as to why the petitioner should not be evicted in the first week of June and thereupon the petitioner submitted his reply. Further the petitioner made a representation on 12-4-2004 to the third respondent to issue certificate with regard to Acs:3-27 cents, which are not assigned lands and already in the year 1995 the Mandal Revenue Officer, who gave certificate on the basis of the petitioner’s request that the third respondent issued certificate declaring that Acs:3-27 cents are not assigned lands but the respondents did not consider the said representation as on today and no steps are being taken by the respondents.

After hearing the learned counsel for the petitioner as well as the learned

Govt.Pleader for the respondents and considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider and dispose of the representation of the petitioner dated 12-4-2004 which was submitted to the third respondent in order to issue certificate with regard to Acs:3-27 cents, stating that the said lands are not assigned lands. The above exercise shall be done in accordance with law, within a period of four weeks from the date of receipt of a copy of this order after affording reasonable opportunity to the petitioner to putforth her grievance and till such time, the respondents are directed not to dispossess the petitioner from the possession of the above extent of land.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 7th, 2005. ---------- I S L. ELIPE DHARMA RAO, J

To

1 The District Collector, Machilipatnam, Krishna District.
2 The R.D.O. Gudiwada, Krishna District.
3 The Mandal Revenue Officer, Mandavalli, Mandavalli Mandal,

Krishna District

4. Two CD copies to the Govt.Pleader for Revenue, High Court Buildings,

High Court of AP Hyderabad. (OUT)

5 Two CD files.